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23
24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA
26

27 VALERIE CASHON, on behalf of herself
28 and all others similarly situated,

Plaintiff,

v.

KINDRED HEALTHCARE
OPERATING, INC., a Delaware
Corporation; GENTIVA CERTIFIED
HEALTHCARE CORP., a Delaware
Corporation; and DOES 1 through 15
inclusive,

Defendants.

Case No. 3:16-cv-04889 RS

**JOINT STIPULATION TO FURTHER
EXTEND DEADLINE TO FILE MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND
HEARING ON MOTION FOR
PRELIMINARY APPROVAL;
[PROPOSED] ORDER**

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14 Attorneys for Defendants
15 KINDRED HEALTHCARE OPERATING, INC. and GENTIVA
CERTIFIED HEALTHCARE CORP.
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1 Plaintiff VALERIE CASHON ("Plaintiff") and Defendants KINDRED
2 HEALTHCARE OPERATING, INC. and GENTIVA CERTIFIED HEALTHCARE CORP.
3 ("Defendants") (collectively, the "Parties"), through their respective counsel, hereby stipulate,
4 subject to Court approval, as follows.

5 WHEREAS, on November 19, 2017 the parties participated in mediation in this
6 action;

7 WHEREAS, on November 28, 2017, Plaintiff filed a Notice of Proposed Class
8 Settlement and Request for Preliminary Approval Hearing Date [Dkt No. 58] in which Plaintiff
9 informed the court of a proposed settlement and sought a motion for preliminary approval of class
10 action settlement hearing date in late January 2018;

11 WHEREAS, on November 28, 2017, the Court issued an Order Staying Currently Set
12 Date and Setting Schedule for Preliminary Approval [Dkt No. 59] in which the Court ordered the
13 parties to file the motion for preliminary approval by January 11, 2018 and set the hearing regarding
14 preliminary approval on February 1, 2018 at 1:30 p.m. in Courtroom 3;

15 WHEREAS, the Parties have previously requested and the Court approved the
16 Parties' request to move the deadline to file the motion for preliminary approval [Dkt Nos. 61-64;
17 70-75];

18 WHEREAS, the current deadline for Plaintiff to file her motion for preliminary
19 approval is March 27, 2018;

20 WHEREAS, the Parties have been and continue to work diligently to prepare the
21 long-form stipulation regarding class settlement but have not yet finalized that agreement;

22 WHEREAS, the parties need further additional time to finalize that agreement after
23 which the motion for preliminary approval can be filed and heard;

24 WHEREAS, the parties believe that it would be most efficient for the parties and the
25 Court to continue the deadline regarding motion for preliminary approval;

26 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to
27 Court approval, as follows:

28 ///

1 1. The deadline for Plaintiff to file her motion for preliminary approval currently
2 scheduled for March 27, 2018 shall be continued to April 6, 2018; and

3 2. The hearing on Plaintiff's motion for preliminary approval currently
4 scheduled for April 19, 2018 at 1:30 p.m. shall remain on the same date and time or the Court's
5 earliest available hearing date thereafter.

6 IT IS SO STIPULATED.

7

8 Dated: March 27, 2018

9 _____
10 */s/ Anthony Perez*
11 ANTHONY PEREZ
12 CHARLES L. POST
13 BRENDAN J. BEGLEY
14 DARRIN M. MENEZES
15 Attorneys for Plaintiff
16 VALERIE CASHON

17

18 Dated: March 27, 2018

19 _____
20 */s/ Lisa Lin Garcia*
21 ELIZABETH STAGGS WILSON
22 ALISON J. CUBRE
23 LISA LIN GARCIA
24 ANGELO SPINOLA
25 Attorneys for Defendants
26 KINDRED HEALTHCARE OPERATING,
27 INC., and GENTIVA CERTIFIED
28 HEALTHCARE CORP.

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatory above.

Dated: March 27, 2018

By: /s/ Lisa Lin Garcia
Lisa Lin Garcia

1 **[PROPOSED] ORDER**

2 Having considered the Parties' Joint Stipulation to Further Extend Deadline to File
3 Motion for Preliminary Approval of Class Action Settlement and Hearing on Motion for Preliminary
4 Approval, and good cause appearing therefor, the Court hereby orders as follows:

5 1. The deadline for Plaintiff to file her motion for preliminary approval is hereby
6 continued from March 27, 2018 to April 6, , 2018;

7 2. The hearing on Plaintiff's motion for preliminary approval shall ~~be set~~ remain on
8 April 19, , 2018 at 1:30 pm.

9 **IT IS SO ORDERED**

10 Dated: 3/27/18



HON. RICHARD SEEBORG

11 Firmwide:153652221.2 091140.1001